

Transcript of the Testimony of

JENNIFER MESEY

August 19, 2020

MESEY vs CITY OF VAN BUREN

1:19-CV-71



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Jennifer Mesey

MESEY vs CITY OF VAN BUREN

8/19/2020

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

ROBIN MESEY and
JENNIFER MESEY,

Plaintiffs,

vs.

Case No. 1:19-CV-71

CITY OF VAN BUREN,
MISSOURI, et al.,

Defendants.

DEPOSITION OF MS. JENNIFER MESEY,

produced, sworn, and examined on Wednesday,
August 19, 2020, at 1:00 p.m. of that day, at
the Phelps County Courthouse, 200 Main Street,
Rolla, Missouri, before me, ERICA A. WHITE, CCR,
in the above-captioned cause; taken on behalf
of the Defendants City of Van Buren and
Chief Alonzo Bradwell.

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1	A P P E A R A N C E S		1	Whereupon,	
2			2	MS. JENNIFER MESEY,	
3	For Plaintiff: MR. JAMES W. SCHOTTEL, JR.		3	Plaintiff herein, being produced, sworn, and	
4	SCHOTTEL & ASSOCIATES, P.C.		4	examined, testified as follows:	
5	906 Olive Street		5	EXAMINATION	
6	St. Louis, MO 63101		6	BY MR. PHILLIPS:	
7	(314)421-0350		7	Q. Could you please state your name?	
8	For Defendants MR. DAMON S. PHILLIPS		8	A. Jennifer Mesey.	
9	City of Van Buren KECK & PHILLIPS		9	Q. Ms. Mesey, you were present for the entirety of your	
10	and Bradwell: 3140 E. Division Street		10	husband's deposition; right?	
11	Springfield, MO 65802		11	A. Correct.	
12	(417)890-8989		12	Q. And you heard everything that was said during the	
13	For Defendant MS. PORTIA C. KAYSER		13	deposition?	
14	Charles Roper: FISHER PATTERSON		14	A. Correct.	
15	SAYLER & SMITH		15	Q. You understand that, just like his deposition, what	
16	1010 Market Street		16	you say today is under oath?	
17	Suite 1650		17	A. Yes.	
18	St. Louis, MO 63101		18	Q. And you will let me know if I ask a confusing	
19	(314)561-3675		19	question so that I can rephrase it?	
20	Also Present: Mr. Robin Mesey		20	A. Yes.	
21			21	Q. Earlier the attorneys talked amongst ourselves and	
22	I N D E X		22	said, well, let's just go ahead and move forward	
23	Testimony of		23	with your deposition. But I'm not sure if any of us	
24	MS. JENNIFER MESEY:	Page	24	asked you if you wanted to take a break. Are you	
25		4	25	ready to go?	
	By Mr. Phillips:	4			
	By Ms. Kayser:	25			
	REPORTER'S CERTIFICATE:	36			
	Phonetic spellings are signified by: (ph.).				
	Exactly as stated: (sic).				
Page 3			Page 5		
1	E X H I B I T S		1	A. I'm fine. Thank you.	
2	EXHIBIT DESCRIPTION PAGE		2	Q. Okay. Have you been known by any names in the past	
3	JM 1 Interrogatory answers 23		3	other than your current name?	
4	JM 2 Case.net printout 30		4	A. Yes.	
5	JM 3 Case.net printout 30		5	Q. What names?	
6	(Originals of Exhibits 1 through 3 were		6	A. My maiden was Mester, and my first married was	
7	attached to the original transcript. Scans		7	Huffman.	
8	sent to Mr. Phillips, Ms. Kayser, and		8	Q. Okay. How do you spell Mester?	
9	Mr. Schottel.)		9	A. Mester, M as in Michael, e-s-t -- or M-e-s-t-e-r.	
10			10	Sorry.	
11			11	Q. Okay. And that was your maiden name?	
12			12	A. Uh-huh. My first marriage was Huffman,	
13			13	H-u-f-f-m-a-n.	
14			14	Q. And so you were married to someone before Mr. Mesey?	
15			15	A. Correct.	
16			16	Q. What was your first spouse's name?	
17			17	A. James Huffman.	
18			18	Q. How long were you married to Mr. Huffman?	
19			19	A. We were married for almost two years, I believe.	
20			20	Q. Do you remember approximately the time frame?	
21			21	A. We got married in April of '01, and we got a	
22			22	divorce, I think -- I believe in '02 -- middle of	
23			23	'02, beginning of '03.	
24			24	Q. Okay. What's your date of birth?	
25			25	A. 10/5/82.	

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<p style="text-align: right;">Page 6</p> <p>1 Q. And you currently live at the Earl Street address</p> <p>2 that Mr. Mesey referenced?</p> <p>3 A. Correct.</p> <p>4 Q. And then like Mr. Mesey, there was a period of time</p> <p>5 where you lived with your father?</p> <p>6 A. Yes.</p> <p>7 Q. Is that right?</p> <p>8 A. Uh-huh.</p> <p>9 Q. I'm sorry. "Yes"?</p> <p>10 A. Yes. Sorry.</p> <p>11 Q. And your father's name is -- is it Michael?</p> <p>12 A. Michael Mester.</p> <p>13 Q. Have you ever been found guilty of or pled guilty to</p> <p>14 a crime?</p> <p>15 A. Yes. I have a misdemeanor theft. I have some</p> <p>16 traffic tickets, like speeding tickets, seat belt</p> <p>17 ticket.</p> <p>18 Q. I'm sorry.</p> <p>19 A. Seat belt ticket. And then I have been in a wreck.</p> <p>20 I guess it would have been running a stoplight. I'm</p> <p>21 not sure how that one was because both insurances</p> <p>22 were at fault so they covered each others' vehicle.</p> <p>23 But I know -- we got a ticket, but I'm not sure what</p> <p>24 it was -- exactly what the ticket was.</p> <p>25 Q. Where did the misdemeanor theft take place?</p>	<p style="text-align: right;">Page 8</p> <p>1 A. I guess it would be general. And then when I worked</p> <p>2 at McDonald's, I got business management. And</p> <p>3 that's where I got the rest of the credits from.</p> <p>4 Q. So general education and business related?</p> <p>5 A. Uh-huh.</p> <p>6 Q. Is that "yes"?</p> <p>7 A. Yes. Sorry.</p> <p>8 Q. Have you ever been a police or law enforcement</p> <p>9 officer?</p> <p>10 A. No.</p> <p>11 Q. Do you have any law enforcement training?</p> <p>12 A. No.</p> <p>13 Q. Have you ever been in the military?</p> <p>14 A. No.</p> <p>15 Q. Have you ever worked as a dog trainer?</p> <p>16 A. No.</p> <p>17 Q. Have you ever worked as a dog breeder?</p> <p>18 A. No.</p> <p>19 Q. Have you ever worked for the city of Van Buren?</p> <p>20 A. No.</p> <p>21 Q. Have you ever worked for a municipality or local</p> <p>22 government before?</p> <p>23 A. I'm really not sure. I done home healthcare. I'm</p> <p>24 not sure if that would be for government or not.</p> <p>25 Q. Okay. What did you do?</p>
<p style="text-align: right;">Page 7</p> <p>1 A. Carter County.</p> <p>2 Q. When was that?</p> <p>3 A. I think a few years ago. About a year or two,</p> <p>4 something. I'm not sure.</p> <p>5 Q. What was the disposition of that case?</p> <p>6 A. I just paid a fine.</p> <p>7 Q. What was the nature of the theft?</p> <p>8 A. What do you mean?</p> <p>9 Q. What did you steal?</p> <p>10 A. It was a shirt, I believe.</p> <p>11 Q. A shirt?</p> <p>12 A. I believe so.</p> <p>13 Q. Okay. Do you have a high school diploma?</p> <p>14 A. Yes.</p> <p>15 Q. When did you graduate?</p> <p>16 A. I got my GED.</p> <p>17 Q. Okay. When did you get your GED?</p> <p>18 A. 2013.</p> <p>19 Q. Do you have a college degree?</p> <p>20 A. I have some college, but no.</p> <p>21 Q. Could you describe the extent of your college</p> <p>22 education?</p> <p>23 A. I have 17 credits.</p> <p>24 Q. What kind of credits are those? Was it all general</p> <p>25 education? Did you specialize in something?</p>	<p style="text-align: right;">Page 9</p> <p>1 A. I was a caregiver for, like, Guardian Angels Home</p> <p>2 Healthcare.</p> <p>3 Q. Okay. Are you currently employed?</p> <p>4 A. Yes.</p> <p>5 Q. Where do you work at?</p> <p>6 A. I am still employed with River Valley.</p> <p>7 Q. River Valley?</p> <p>8 A. Home Healthcare, yes.</p> <p>9 Q. Where is that at?</p> <p>10 A. Van Buren.</p> <p>11 Q. Could you describe what it is you do?</p> <p>12 A. I'm a caregiver. I take care of the elderly.</p> <p>13 Q. Do you work in one location?</p> <p>14 A. I work in, like, several different houses.</p> <p>15 Q. Okay. And I thought I understood what you were</p> <p>16 trying to tell me, but I wanted to make sure. So</p> <p>17 you go from house to house caring for elderly</p> <p>18 people?</p> <p>19 A. Correct.</p> <p>20 Q. How long have you been there?</p> <p>21 A. Several years. I think back in 2017, I believe.</p> <p>22 I've been on and off.</p> <p>23 Q. Okay. Ms. Mesey, I'm going to try and skim through</p> <p>24 some of this stuff because I don't want to waste</p> <p>25 your time by just having you repeat what your</p>

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<p style="text-align: right;">Page 10</p> <p>1 husband said basically. But the two dogs we're</p> <p>2 talking about in this case are Max and Nina; right?</p> <p>3 A. Correct.</p> <p>4 Q. And you heard your husband's descriptions as to</p> <p>5 their ages and their weights and their coloring.</p> <p>6 Does all that sound about right?</p> <p>7 A. Correct.</p> <p>8 Q. Okay. Talking about this -- oh, you know what?</p> <p>9 Actually let me ask you this: Earlier your husband</p> <p>10 testified about getting Max's father from a</p> <p>11 Greg Rector. Do you remember that?</p> <p>12 A. Yes.</p> <p>13 Q. Do you know where Mr. Rector is?</p> <p>14 A. I -- I'm guessing maybe around Carter County still.</p> <p>15 I'm not sure.</p> <p>16 Q. Okay. And is what your husband said about paying</p> <p>17 \$1,500 for the father sound right to you?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And then was it the two of you together paid</p> <p>20 \$500 for Nina? Right?</p> <p>21 A. I wasn't with him when he bought Nina.</p> <p>22 Q. Okay.</p> <p>23 A. I was at work.</p> <p>24 Q. Okay. Was Nina also your dog?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 12</p> <p>1 outside.</p> <p>2 Q. Okay. So he went outside; correct?</p> <p>3 A. Correct.</p> <p>4 Q. He comes back inside?</p> <p>5 A. No. I waited and he never came in, so I went</p> <p>6 outside with the phone. And that's when I seen</p> <p>7 Charles.</p> <p>8 Q. Okay. And is that what we saw in the video just</p> <p>9 now?</p> <p>10 A. I believe so.</p> <p>11 Q. Who were you on the phone with?</p> <p>12 A. I was going to call the police if there was</p> <p>13 something major that happened outside.</p> <p>14 Q. Okay. Did you call the police?</p> <p>15 A. No.</p> <p>16 Q. Did you talk to somebody on the phone?</p> <p>17 A. No.</p> <p>18 Q. Your husband testified that there was a period of</p> <p>19 time where you were friends with Mrs. Roper; is that</p> <p>20 right?</p> <p>21 A. Correct.</p> <p>22 Q. Could you describe the nature of your relationship</p> <p>23 with Mrs. Roper?</p> <p>24 A. We used to hang out back in high school, and then we</p> <p>25 also worked together at McDonald's.</p>
<p style="text-align: right;">Page 11</p> <p>1 Q. All right. So talking about the date of this</p> <p>2 incident, you were at home with your husband;</p> <p>3 correct?</p> <p>4 A. Correct.</p> <p>5 Q. Did you also hear the gunshots?</p> <p>6 A. Yes.</p> <p>7 Q. Before the gunshots, did you hear barking?</p> <p>8 A. No.</p> <p>9 Q. Your husband testified that Max and Nina had gotten</p> <p>10 out of the house, it sounded like, by pushing</p> <p>11 through the door. Do you remember that?</p> <p>12 A. I don't remember them doing it, but that would have</p> <p>13 been the only way they could have gotten out.</p> <p>14 Q. Is that something that had happened before this?</p> <p>15 A. No.</p> <p>16 Q. So that was the very first time they had ever pushed</p> <p>17 through the door?</p> <p>18 A. Uh-huh.</p> <p>19 Q. Is that "yes"?</p> <p>20 A. Yes.</p> <p>21 Q. Do you have any idea why they did that?</p> <p>22 A. I have no...</p> <p>23 Q. So after you heard the gunshots, what did you do?</p> <p>24 A. I stayed in the house and waited for my husband to</p> <p>25 come back and tell me that everything is okay</p>	<p style="text-align: right;">Page 13</p> <p>1 Q. Were you -- when was the last time you worked with</p> <p>2 her at McDonald's?</p> <p>3 A. Back in December of two thousand -- 2015.</p> <p>4 Q. Okay. Have you stayed in touch with her after that?</p> <p>5 A. Every now and then on Facebook. Maybe she would</p> <p>6 post something and I would comment on it or I would</p> <p>7 post something and she would comment. And then my</p> <p>8 son and her son have been friends since they were</p> <p>9 babies, so we would drop them off back and forth and</p> <p>10 meet each other at the door. But other than that,</p> <p>11 no.</p> <p>12 Q. Okay. So you were still friendly with her up until</p> <p>13 the time of this incident?</p> <p>14 A. Yes.</p> <p>15 Q. Have you interacted with the Ropers -- either of</p> <p>16 them since this incident?</p> <p>17 A. Since the incident? No.</p> <p>18 Q. At some point you went outside. Were you able to</p> <p>19 see the Ropers when you were outside?</p> <p>20 A. I seen Charles and Jacob Wahlberg.</p> <p>21 Q. Okay. Who else did you see?</p> <p>22 A. My husband.</p> <p>23 Q. Anybody else?</p> <p>24 A. Not when I first step out, no.</p> <p>25 Q. Okay. What did you do when you first stepped out?</p>

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<p style="text-align: right;">Page 14</p> <p>1 A. I went around and my husband was like, "Look." And</p> <p>2 I'm like, "Look at what? I don't see nothing." He</p> <p>3 said, "Look right here where I'm standing." And</p> <p>4 that's when I noticed my dog dead on the ground.</p> <p>5 Q. Okay. Now, we're talking about Max?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. What did you do then?</p> <p>8 A. I started yelling and screaming.</p> <p>9 Q. Okay. Were you yelling and screaming at Mr. Roper?</p> <p>10 A. I believe so.</p> <p>11 Q. And was Mr. Roper speaking with you?</p> <p>12 A. Probably. I'm not really positive. Like, I was</p> <p>13 panicking.</p> <p>14 Q. Okay. What happened next?</p> <p>15 A. I went back inside. I was looking for my other dog,</p> <p>16 Nina. I was like, "Nina is not around." And then I</p> <p>17 went looking for Nina, and I found her by the shed.</p> <p>18 Q. Okay. Did Mr. Roper stay outside?</p> <p>19 A. I'm not positive where Mr. Roper was at that point</p> <p>20 in time.</p> <p>21 Q. When you were interacting with Mr. Roper, was he in</p> <p>22 a police uniform?</p> <p>23 A. No.</p> <p>24 Q. When you were interacting with Mr. Roper, could you</p> <p>25 see Mrs. Roper?</p>	<p style="text-align: right;">Page 16</p> <p>1 A. Yes.</p> <p>2 Q. Who's that?</p> <p>3 A. She's a girl that lives on the next block.</p> <p>4 Q. Was she present during any of this stuff?</p> <p>5 A. After I called my dad and he came home, she came</p> <p>6 home with him.</p> <p>7 Q. Okay. Do you have any reason to believe that she</p> <p>8 saw the interaction with Mr. Roper and the dogs?</p> <p>9 A. I don't know.</p> <p>10 Q. Okay. What does Ms. Kennedy do for a living?</p> <p>11 A. I don't think she does anything that I'm aware of.</p> <p>12 Q. Why was -- why did she come over?</p> <p>13 A. She was with my father. I don't know why she came</p> <p>14 with my dad. My dad -- after my dad got there, he</p> <p>15 said, "Why are you screaming? I can hear you</p> <p>16 screaming." And I said -- that's when I said, "My</p> <p>17 dogs were shot, and that's why I was screaming."</p> <p>18 Q. And you don't know why she was with your father?</p> <p>19 A. I don't know if she just rode over there with him or</p> <p>20 if they were together. I don't know.</p> <p>21 Q. Okay. Did she spend time hanging out with your</p> <p>22 father?</p> <p>23 A. Not really. My dad gives her rides whenever she</p> <p>24 needs it because she has kids and he felt sorry for</p> <p>25 her.</p>
<p style="text-align: right;">Page 15</p> <p>1 A. She was down the street.</p> <p>2 Q. Did you see their vehicle?</p> <p>3 A. Down the street. The backside of it.</p> <p>4 Q. Was that their personal vehicle?</p> <p>5 A. Correct.</p> <p>6 Q. Okay. So you've left Mr. Roper. What are you</p> <p>7 doing?</p> <p>8 A. I believe I called my dad.</p> <p>9 Q. Okay. So he was not home at that time, was he?</p> <p>10 A. No. He was on the next block with a friend.</p> <p>11 Q. Okay. You said that -- I'm sorry. And I may</p> <p>12 have -- may be misremembering this. Did you say</p> <p>13 that you saw Jeff Wahlberg or -- how do you say that</p> <p>14 name?</p> <p>15 A. Jacob Wahlberg.</p> <p>16 Q. Jacob Wahlberg. Okay. And that's the Ropers' son;</p> <p>17 right?</p> <p>18 A. It's Donna's son. His stepson.</p> <p>19 Q. Okay. Did you see Mrs. Roper's father?</p> <p>20 A. I don't remember.</p> <p>21 Q. Did you know him?</p> <p>22 A. Yes.</p> <p>23 Q. Were you familiar with his dog, Draco?</p> <p>24 A. Yes.</p> <p>25 Q. Do you know a person named Kristen Kennedy?</p>	<p style="text-align: right;">Page 17</p> <p>1 Q. Kind of neighborly stuff?</p> <p>2 A. Yes.</p> <p>3 Q. Who is Darren Clark?</p> <p>4 A. He lived two doors down from us -- no. Three doors</p> <p>5 down. Right across from Jeff Wahlberg -- or</p> <p>6 diagonal from Jeff Wahlberg.</p> <p>7 Q. Another neighbor?</p> <p>8 A. Jeff Wahlberg lived on the left-hand side and he</p> <p>9 lived on the right-hand side, but they were kind of</p> <p>10 diagonal from each other. They're both green</p> <p>11 houses.</p> <p>12 Q. To your knowledge, did Darren Clark see any of this</p> <p>13 incident?</p> <p>14 A. I really don't know.</p> <p>15 Q. Are you familiar with an Officer Cody Hastings?</p> <p>16 A. No. It doesn't ring a bell.</p> <p>17 Q. What about Sheriff Richard Stephens?</p> <p>18 A. Yes.</p> <p>19 Q. Could you describe your relationship with him?</p> <p>20 A. There wasn't a relationship.</p> <p>21 Q. Just you know he's the sheriff?</p> <p>22 A. Well, that and my mom had an aneurism and a stroke</p> <p>23 and she was not always there. And she would call</p> <p>24 him sometimes and ramble on about stupid stuff to</p> <p>25 him. Other than that, no.</p>

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<p style="text-align: right;">Page 18</p> <p>1 Q. I'm sorry?</p> <p>2 A. My mom would ramble on to him about crazy stuff.</p> <p>3 And he would just talk to her. Like, he knew that</p> <p>4 she was messed up so he really didn't take it,</p> <p>5 like -- whatever she was saying at that point in</p> <p>6 time.</p> <p>7 MR. SCHOTTEL: Objection. Nonresponsive.</p> <p>8 I don't think you're answering the question.</p> <p>9 Q. (By Mr. Phillips) So how would she contact him?</p> <p>10 A. She would call him and he would come over and talk</p> <p>11 to her and tell him we'll settle this because we</p> <p>12 have a lot of people --</p> <p>13 MR. SCHOTTEL: Objection. Nonresponsive.</p> <p>14 Just answer the question.</p> <p>15 Q. (By Mr. Phillips) So she would call him and then</p> <p>16 sometimes he would come over?</p> <p>17 A. Correct.</p> <p>18 Q. Where is it that he was coming over to?</p> <p>19 A. My father-in-law -- my father's house.</p> <p>20 Q. Okay. This was the house where this incident</p> <p>21 occurred?</p> <p>22 A. Yes.</p> <p>23 Q. Do you have any idea why she was calling him</p> <p>24 specifically?</p> <p>25 A. Because of people speeding up and down the road</p>	<p style="text-align: right;">Page 20</p> <p>1 A. Not other than seeing him in town or at the school</p> <p>2 when they get the back to school bash with the kids.</p> <p>3 Q. Were you ever present when he would go to visit your</p> <p>4 mother?</p> <p>5 A. I think maybe once or twice that I can remember.</p> <p>6 Q. Was your husband ever present when the sheriff was</p> <p>7 visiting your mother?</p> <p>8 A. I think he was at work.</p> <p>9 Q. Do you know where he was working at?</p> <p>10 A. I'm not positive.</p> <p>11 Q. I have a feeling I'm going to slaughter this name.</p> <p>12 But Deputy Justin Eudaley, do you know who that</p> <p>13 person is?</p> <p>14 A. I know he's a police officer, yes.</p> <p>15 Q. Okay. Have you ever interacted with him, to your</p> <p>16 knowledge, other than in connection with this</p> <p>17 incident?</p> <p>18 A. No.</p> <p>19 Q. Is it your understanding that he responded to your</p> <p>20 father's house and interviewed you and your husband?</p> <p>21 A. I'm not sure what house it was that he interviewed</p> <p>22 us. I just remember writing a statement.</p> <p>23 Q. Okay. Who is Brandon Smith?</p> <p>24 A. I believe he lived down the road from my dad. He</p> <p>25 became a police officer, I believe.</p>
<p style="text-align: right;">Page 19</p> <p>1 whenever her grandkids were playing.</p> <p>2 Q. Okay. So she would be upset about that. She would</p> <p>3 call the sheriff, and he understood that she had</p> <p>4 issues and he would just come over?</p> <p>5 A. Uh-huh.</p> <p>6 Q. Is that "yes"?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. And this was all -- this had occurred prior</p> <p>9 to this incident?</p> <p>10 A. I'm sorry?</p> <p>11 Q. Did this all occur prior to this incident with the</p> <p>12 dogs?</p> <p>13 A. Yes.</p> <p>14 Q. So he was familiar with you by the time of this</p> <p>15 incident?</p> <p>16 A. Yes.</p> <p>17 Q. So was your mother living at that same location?</p> <p>18 A. No. She passed away a couple of years before.</p> <p>19 Q. I'm sorry.</p> <p>20 A. Thank you.</p> <p>21 Q. What was your mother's name?</p> <p>22 A. Eva Mester.</p> <p>23 Q. E-v-a?</p> <p>24 A. Yes.</p> <p>25 Q. Had you interacted with the sheriff before?</p>	<p style="text-align: right;">Page 21</p> <p>1 Q. He became a police officer?</p> <p>2 A. Uh-huh.</p> <p>3 Q. Is that "yes"?</p> <p>4 A. Yes.</p> <p>5 Q. For what agency?</p> <p>6 A. I guess it would be city, I believe, or -- I'm not</p> <p>7 sure if it's county or city.</p> <p>8 Q. Okay.</p> <p>9 A. It's in Van Buren.</p> <p>10 Q. In Van Buren?</p> <p>11 A. Uh-huh.</p> <p>12 Q. "Yes"?</p> <p>13 A. Yes. Sorry.</p> <p>14 Q. Prior to this February 22nd, 2019, incident, are you</p> <p>15 aware of any prior incidents where Nina had attacked</p> <p>16 or bitten anyone?</p> <p>17 A. No.</p> <p>18 Q. Are you aware of any prior incidents where Nina had</p> <p>19 been involved in fights with other dogs?</p> <p>20 A. No.</p> <p>21 Q. What about after that February 22nd, 2019, incident,</p> <p>22 are you aware of any times where Nina attacked or</p> <p>23 bit anyone?</p> <p>24 A. No.</p> <p>25 Q. Are you aware of any instances after this incident</p>

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<p style="text-align: right;">Page 22</p> <p>1 where Nina was involved in fights with other dogs?</p> <p>2 A. No.</p> <p>3 Q. Prior to this February 22nd, 2019, incident, are you</p> <p>4 aware of any instances where Max attacked or bit</p> <p>5 anyone?</p> <p>6 A. Him and the neighbor dog got into it.</p> <p>7 Q. Okay. Which neighbor dog?</p> <p>8 A. The one on the -- like, the corner from my dad.</p> <p>9 That was a black dog.</p> <p>10 Q. Okay. That's a dog -- is that Draco or a different</p> <p>11 dog?</p> <p>12 A. That's a different dog.</p> <p>13 Q. You also had a third dog. What was that?</p> <p>14 A. Bella.</p> <p>15 Q. Bella. Earlier your husband testified about a</p> <p>16 situation between Bella and another neighbor on a</p> <p>17 motorcycle. Do you remember that?</p> <p>18 A. Yeah. That's the one that became a cop.</p> <p>19 Q. Okay. Other than that incident, are you aware of</p> <p>20 any other instances where Bella has attacked or</p> <p>21 bitten anybody?</p> <p>22 A. No.</p> <p>23 Q. Are you aware of any other -- any instances where</p> <p>24 Bella has been in a fight with another dog?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 24</p> <p>1 A. I believe so.</p> <p>2 Q. Okay. Ms. Mesey, do you feel that my client should</p> <p>3 pay you money because of this incident?</p> <p>4 MR. SCHOTTEL: Objection to the form of the</p> <p>5 question. Further objection, it's beyond the scope</p> <p>6 of the rules of discovery.</p> <p>7 Subject to that, you can answer the question.</p> <p>8 A. I believe that he should pay the bill for the vet</p> <p>9 for killing my dog and wounding the other one.</p> <p>10 Q. (By Mr. Phillips) Okay. When you say "he," who do</p> <p>11 you mean?</p> <p>12 A. Charles.</p> <p>13 Q. Mr. Roper?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. I don't represent Mr. Roper. Do you</p> <p>16 understand that?</p> <p>17 A. Uh-huh.</p> <p>18 Q. "Yes"?</p> <p>19 A. Yes.</p> <p>20 Q. I represent the City of Van Buren. Do you</p> <p>21 understand that?</p> <p>22 A. Yes.</p> <p>23 Q. Do you feel that my client should pay you money?</p> <p>24 MR. SCHOTTEL: Objection to the form.</p> <p>25 Objection. Calls for legal conclusion. Also,</p>
<p style="text-align: right;">Page 23</p> <p>1 Q. Do you remember what you paid in the vet bills for</p> <p>2 Nina?</p> <p>3 A. I think it was, like, around three hundred and</p> <p>4 something that we paid.</p> <p>5 Q. Okay. That were actually paid?</p> <p>6 A. Uh-huh.</p> <p>7 Q. Is that "yes"?</p> <p>8 A. Yes. Sorry.</p> <p>9 Q. And then there was some other amount that has not</p> <p>10 been paid; is that right?</p> <p>11 A. Yes.</p> <p>12 Q. And do you remember approximately what that was?</p> <p>13 A. It would be between four and six probably. 400 and</p> <p>14 600, probably somewhere in there.</p> <p>15 (Deposition Exhibit 1 is marked for</p> <p>16 identification.)</p> <p>17 Q. (By Mr. Phillips) Okay. I'm going to show you</p> <p>18 what's been marked as your Exhibit 1. And I'll</p> <p>19 represent to you that they're your written</p> <p>20 interrogatory answers. What I would like you to do</p> <p>21 is look through those. And then after you've</p> <p>22 finished looking through them, let me know.</p> <p>23 Have you reviewed your answers in Exhibit 1?</p> <p>24 A. Uh-huh. Yeah. Sorry.</p> <p>25 Q. Are those answers still accurate?</p>	<p style="text-align: right;">Page 25</p> <p>1 objection. Invades the province of the jury.</p> <p>2 Q. (By Mr. Phillips) Subject to that, you can answer</p> <p>3 the question.</p> <p>4 MR. SCHOTTEL: If you don't know, you don't</p> <p>5 know.</p> <p>6 A. I don't know.</p> <p>7 MR. PHILLIPS: Well, I'm going to object to</p> <p>8 you testifying for your client.</p> <p>9 MR. SCHOTTEL: Okay. Duly noted.</p> <p>10 Q. (By Mr. Phillips) Ms. Mesey, are you saying that you</p> <p>11 don't have any position on whether or not my client</p> <p>12 should pay you money?</p> <p>13 A. Yes.</p> <p>14 MR. PHILLIPS: Okay. All right. I'll pass</p> <p>15 the witness.</p> <p>16 MS. KAYSER: Do you need a break or anything</p> <p>17 before we --</p> <p>18 THE WITNESS: No. I'm fine. Thank you.</p> <p>19 MS. KAYSER: No problem.</p> <p>20 EXAMINATION</p> <p>21 BY MS. KAYSER:</p> <p>22 Q. Again, like with your husband, I'm going to jump</p> <p>23 around a little bit just to fill in some blanks that</p> <p>24 I have. Okay?</p> <p>25 A. Okay.</p>

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<p>1 Q. Early on you indicated that you also heard gunshots, 2 which is what alerted you that something was going 3 on outside; correct? 4 A. Correct. 5 Q. Do you recall how many gunshots you heard? 6 A. I heard two. 7 Q. When you went outside, can you tell me what Charles 8 and Jacob Wahlberg were doing? 9 A. Jacob was right by the stop sign. Charles was a 10 little bit back from the stop sign but kind of right 11 by in front of my dad's -- not in front of my dad's 12 house but like right there where the driveway is or 13 whatever, but he was still in the middle of the 14 road. And then Robin was standing by our dog. That 15 was it. 16 Q. Do you know how Draco got back to Mr. Wahlberg's 17 house? 18 A. I don't know. 19 MR. SCHOTTEL: Objection. It assumes facts 20 not in evidence that he was away from the house. 21 Subject to that, you can answer the question. 22 A. I'm not sure. 23 Q. (By Ms. Kayser) You didn't personally see anybody 24 carrying Draco? 25 A. No.</p>	<p>1 you. 2 Q. (By Ms. Kayser) You can go ahead and tell me what 3 happened. 4 MS. KAYSER: A deposition is exactly where a 5 narrative is permitted, Jim. 6 MR. SCHOTTEL: Right. But I can object when 7 she's not answering the question that's asked, so... 8 MS. KAYSER: Objecting to your client's own 9 answers is unique. 10 MR. SCHOTTEL: Yes. 11 Q. (By Ms. Kayser) You may go ahead, Ms. Mesey. 12 A. My son realized she had a gunshot, so we called the 13 vet. 14 Q. Which son was that? 15 A. Robin Mesey. 16 Q. Okay. And at the time of the incident how old was 17 Robin? 18 A. He was 14 or 13. 19 Q. At that time, did Robin have any weapons training? 20 A. No. 21 Q. Okay. And he wasn't a veterinarian; correct? 22 A. Correct. 23 Q. Did a veterinarian ever tell you that Nina had been 24 shot? 25 A. Yes.</p>
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<p>1 Q. Are you aware that Draco died from his injuries from 2 that day? 3 A. No. 4 Q. Okay. When you found Nina, how long after the 5 incident was it? 6 A. I don't -- I'm not sure. 7 Q. Was it within a few minutes? Was it a few hours? 8 Was it the next day? Can we just narrow it down a 9 little bit? 10 A. I would say within the hour. 11 Q. Okay. Do you know if Nina had a gunshot wound or 12 what actually caused -- 13 A. Not at first. 14 Q. Not at first? When did you become aware of what had 15 injured Nina? 16 A. My son come home from school and he asked what was 17 going on because he could see we were upset. And I 18 told him. So he went to check on his dog. I said, 19 "It looks like she probably got a scratch or 20 something because she was bleeding and limping." 21 And I put her back inside the camper. And he said, 22 "Well, I'm going to go check her." And that's 23 when -- 24 MR. SCHOTTEL: Objection. Nonresponsive. 25 Just answer the question that she's asking</p>	<p>1 Q. Was there a bullet in Nina when you were told that 2 she had been shot? 3 A. Yes. 4 Q. And the veterinarian ultimately did surgery to fuse 5 that elbow or knee on her front leg; correct? 6 A. He done some kind of surgery to her knee, yes. 7 Q. Did he remove the bullet? 8 A. No. 9 Q. To your knowledge, is the bullet -- was it still in 10 Nina when she passed away three or four months ago? 11 A. Yes. 12 Q. When did Nina become sick with heartworms? 13 A. Like a month before she passed away. 14 Q. Had Max been in an altercation with Draco prior to 15 the incident? 16 A. Not that I can remember. 17 Q. Are you familiar with an incident when he went to 18 Mr. Wahlberg's house and attacked Draco and 19 Mr. Wahlberg? 20 MR. SCHOTTEL: Objection. Assumes facts not 21 in evidence. 22 Subject to that, you can answer the question. 23 A. Not that I'm aware of, no. 24 Q. (By Ms. Kayser) You are aware that there is a -- an 25 ordinance in Van Buren requiring dogs to be</p>

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<p style="text-align: right;">Page 30</p> <p>1 restrained; correct?</p> <p>2 A. Correct.</p> <p>3 Q. And you've actually been cited for that on multiple</p> <p>4 occasions; correct?</p> <p>5 A. What do you mean by "multiple"?</p> <p>6 Q. At least three that I know of.</p> <p>7 A. I know of two.</p> <p>8 Q. Okay. Tell me which ones.</p> <p>9 A. Bella and then my Chihuahua back when we lived by</p> <p>10 the school.</p> <p>11 Q. Okay. So the incident with Bella is the one we</p> <p>12 talked about earlier --</p> <p>13 A. Uh-huh.</p> <p>14 Q. -- with your husband's Exhibit No. 2 and Mr. Smith;</p> <p>15 correct?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And what was the one prior to that?</p> <p>18 A. It was with one of our Chihuahuas.</p> <p>19 Q. Okay. Do you recall when that was?</p> <p>20 A. I'm not positive. I know it's been a long while.</p> <p>21 Q. Okay.</p> <p>22 (Deposition Exhibits 2 and 3 are marked for</p> <p>23 identification.)</p> <p>24 Q. (By Ms. Kayser) So Exhibit No. 2 shows that you had</p> <p>25 to pay a fine in 2011 for having dog -- a dog at</p>	<p style="text-align: right;">Page 32</p> <p>1 Q. I understand.</p> <p>2 MR. SCHOTTEL: You asked the question.</p> <p>3 MS. KAYSER: I did. I asked the question. I</p> <p>4 deserve the answer. It's just fine.</p> <p>5 Q. (By Ms. Kayser) You indicated when you went outside,</p> <p>6 Mr. Roper, my client, was not in a police uniform;</p> <p>7 correct?</p> <p>8 A. Correct.</p> <p>9 Q. And he was not in a police vehicle; correct?</p> <p>10 A. Correct.</p> <p>11 Q. You said he was in his vehicle. Do you know if he</p> <p>12 was in his vehicle or his son's vehicle?</p> <p>13 A. I'm not sure what vehicle. He was not in a vehicle</p> <p>14 when he was standing outside.</p> <p>15 Q. Okay. Do you know what vehicle he was in that day?</p> <p>16 A. I am not positive.</p> <p>17 Q. Okay. Are you familiar with the red Ford SUV?</p> <p>18 A. Yes. That's his stepson's.</p> <p>19 Q. Okay. And what is his stepson's name?</p> <p>20 A. Jacob Wahlberg.</p> <p>21 Q. Okay. All right. And your son, is it Robbie, who</p> <p>22 is really good friends with --</p> <p>23 A. No. It's Michael.</p> <p>24 Q. Michael. Okay. And they still see each other</p> <p>25 frequently, don't they?</p>
<p style="text-align: right;">Page 31</p> <p>1 large; correct?</p> <p>2 A. Yes.</p> <p>3 Q. All right. And then Exhibit No. 3 is a separate</p> <p>4 incident in 2010 where you were also cited for</p> <p>5 having an animal at large; correct?</p> <p>6 A. Correct.</p> <p>7 Q. Does this help refresh your recollection about what</p> <p>8 happened in those incidents?</p> <p>9 A. Not really. I remember -- I remember getting a</p> <p>10 ticket -- there was a lady walking down the street</p> <p>11 or something and my dog started barking and went out</p> <p>12 in the street like it was going to bite her or</p> <p>13 something like that. I don't recall. The third,</p> <p>14 I -- I really don't remember that one at all, but I</p> <p>15 know it was probably the same dog because it's the</p> <p>16 only Chihuahua we had, so...</p> <p>17 Q. Okay. Have you ever had any other types of dogs</p> <p>18 other than the two American Bulldogs and the</p> <p>19 Chihuahua mix?</p> <p>20 A. Yes. We had a couple of Chihuahuas, full-blooded</p> <p>21 Chihuahuas.</p> <p>22 Q. Okay. Any other types of animals that you and</p> <p>23 Mr. Mesey have owned?</p> <p>24 A. We have had cats, a rabbit, fish, bird, a lizard, a</p> <p>25 gecko. The kids bring home all kinds of animals.</p>	<p style="text-align: right;">Page 33</p> <p>1 A. Yes.</p> <p>2 Q. And do they spend the night with each other?</p> <p>3 A. Yes.</p> <p>4 Q. And have you and Mrs. Roper had an opportunity to</p> <p>5 speak about the events that occurred in February?</p> <p>6 A. No.</p> <p>7 Q. You just haven't spoken to her at all?</p> <p>8 A. Huh-uh.</p> <p>9 Q. Aside from the day of the incident, have you spoken</p> <p>10 with Charles about what happened?</p> <p>11 A. No.</p> <p>12 Q. Have you spoken with Mr. Wahlberg about what</p> <p>13 happened?</p> <p>14 A. No.</p> <p>15 Q. Did Mr. Wahlberg communicate with you that his dog</p> <p>16 had been fatally injured?</p> <p>17 A. No.</p> <p>18 Q. Okay. I will represent to you that one of your</p> <p>19 neighbors has indicated that you actually opened the</p> <p>20 door on the day of the incident and sicced your dogs</p> <p>21 on Draco. Is that what happened?</p> <p>22 A. No.</p> <p>23 MR. SCHOTTEL: Objection. Attorney is</p> <p>24 testifying and assumes facts not in evidence.</p> <p>25 Subject to the objection, you can answer the</p>

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<p style="text-align: right;">Page 34</p> <p>1 question.</p> <p>2 A. Never have I ever done that with any of my dogs.</p> <p>3 Q. (By Ms. Kayser) Okay. And was there any damage done</p> <p>4 to the door from Max breaking through it?</p> <p>5 A. Yes. The screen door was -- the screen was</p> <p>6 completely out of the door.</p> <p>7 Q. So was only the screen door closed or was there --</p> <p>8 A. Huh?</p> <p>9 Q. Was the actual door to the house closed?</p> <p>10 A. The sliding glass door, I'm guessing they pushed it</p> <p>11 open and got through the screen door.</p> <p>12 Q. Okay. And just to be clear, you did not see</p> <p>13 Mr. Roper shoot Max; correct?</p> <p>14 A. No.</p> <p>15 Q. And you did not see anybody shoot Nina; correct?</p> <p>16 A. Correct.</p> <p>17 MS. KAYSER: Okay. That's all I have. Thank</p> <p>18 you, Ms. Mesey.</p> <p>19 MR. SCHOTTEL: We'll read.</p> <p>20 (Witness excused at 1:44 p.m.)</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 36</p> <p>1 REPORTER'S CERTIFICATE</p> <p>2</p> <p>3 STATE OF MISSOURI)</p> <p>4) ss</p> <p>5 COUNTY OF GREENE)</p> <p>6</p> <p>7 I, ERICA WHITE, Certified Court</p> <p>8 Reporter, do hereby certify that the witness</p> <p>9 was duly sworn by me; that the facts stated by</p> <p>10 me in the caption hereof are true; that the</p> <p>11 said witness did make the above and foregoing</p> <p>12 answers in response to questions propounded as</p> <p>13 shown; that I did, in stenotype, report said</p> <p>14 proceedings; and that the above and foregoing</p> <p>15 typewritten pages contain a full, true, and</p> <p>16 correct transcription of my shorthand notes</p> <p>17 taken on such occasion. That presentment by me</p> <p>18 to the witness for signature was waived; that</p> <p>19 the deposition will be thereafter by the</p> <p>20 witness read over, signed, and sworn to on or</p> <p>21 before the date of trial; that said deposition</p> <p>22 is now herewith returned.</p> <p>23</p> <p>24 I further certify that I am neither</p> <p>25 attorney for, nor counsel for, nor related to,</p> <p>nor employed by any of the parties to the</p> <p>action in which this deposition was taken; and,</p> <p>further, that I am not a relative or employee</p> <p>of any attorney or counsel employed by the</p> <p>parties hereto, or financially interested in</p> <p>the action.</p> <p style="text-align: center;"><i>Erica White</i></p> <p style="text-align: center;">ERICA A. WHITE, CCR</p> <p>ALPHA REPORTING & VIDEO</p> <p>1911 S. National</p> <p>Suite 405</p> <p>Springfield, Missouri 65804</p> <p>(417) 887-4110</p>
<p style="text-align: right;">Page 35</p> <p>1 DEPONENT'S SIGNATURE PAGE</p> <p>2</p> <p>3</p> <p>4</p> <p>5 In Re: Mesey vs. City of Van Buren, et al.</p> <p>6 1:19-CV-71; USDC</p> <p>7</p> <p>8 Taken: August 19, 2020</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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